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UNITED STATES DEPARTMENT OF COMMERCE  
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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/054,379 04/26/93 CHUM

P C40121G

EXAMINER

WU.D

ART UNIT

PAPER NUMBER

4

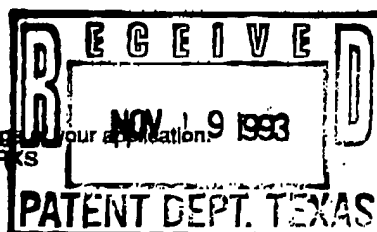
15M2/1115

THE DOW CHEMICAL CO.  
PATENT DEPARTMENT  
BLDG. B-1211  
DALLAS, TX 77541

1505

DATE MAILED:

11/15/93

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS
☒ This application has been examined    ☐ Responsive to communication filed on \_\_\_\_\_    ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), \_\_\_\_\_ days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

## Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- |   |   |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449.                 | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152.       |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474.     | 6. <input type="checkbox"/> _____   |

## Part II SUMMARY OF ACTION

1. ☒ Claims 1-30 are pending in the application.  
Of the above, claims 9-16 and 24-30 are withdrawn from consideration.
2. ☐ Claims \_\_\_\_\_ have been cancelled.
3. ☐ Claims \_\_\_\_\_ are allowed.
4. ☒ Claims 1-8 and 17-23 are rejected.
5. ☐ Claims \_\_\_\_\_ are objected to.
6. ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed \_\_\_\_\_, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received  
☐ been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1835 C.D. 11; 453 O.G. 213.

Serial Number: 08/054,379

-2-

Art Unit: 1505

15. Restriction to one of the following inventions is required under 35 U.S.C. § 121:

I. Claims 1-8, and 17-23, drawn to an ethylene polymer film, classified in Class 525, subclass 240.

II. Claims 9-16, and 24-30, drawn to an ethylene polymer film, classified in Class 525, subclass 240.

16. The inventions are distinct, each from the other because of the following reasons:

Group I and Group II are related as mutually independent/exclusive inventions in view of the definition of "substantially linear ethylene/alpha-olefin interpolymer" and "linear ethylene/alpha-olefin interpolymer" defined in pages 4 and page 6 in the specification; the independent/exclusive inventions of Group I and Group II being also admitted by the applicants' attorney, Mr. Stephen Krupp in the telephone interview on November 9, 1993.

17. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Serial Number: 08/054,379

-3-

Art Unit: 1505

18. During a telephone conversation with applicants' attorney, Mr. L. Wayne White and Mr. Stephen Krupp on November 9, 1993 a provisional election was made with traverse to prosecute the invention of Group I, claim 1-8, and 17-23. Affirmation of this election must be made by applicant in responding to this Office action. Claims 9-16, and 24-30 are withdrawn from further consideration by the Examiner, 37 C.F.R. § 1.142(b), as being drawn to a non-elected invention.

19. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. § 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 C.F.R. § 1.48(b) and by the fee required under 37 C.F.R. § 1.17(h).

20. Claims 1-8, and 17-23 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Serial Number: 08/054,379

-8-

Art Unit: 1505

the claimed property does not alone defeat a prima facie case of obviousness. In re Dillon, 16 USPQ 2D. 1897 (CAFC 1990)

30. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Wu whose telephone number is (703) 308-2450.

*DW*

David Wu  
November 10, 1993

JOSEPH L. SCHOFER  
SUPERVISORY PATENT EXAMINER  
ART UNIT 155